

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 13-CR-00302-01-DW |
| v. |) | |
| |) | |
| ARTRAE D. MCFARLAND, |) | |
| |) | |
| Defendant. |) | |

ORDER

Before the Court is Magistrate Judge Sarah W. Hays’s Report and Recommendation to grant in part and deny in part Defendant Artrae D. McFarland’s (the “Defendant”) Motion to Suppress Evidence and Statements. See Docs. 21, 30.¹ The Defendant filed objections to the Report and Recommendation. See Doc. 32.

After an independent review of the record, the applicable law and the parties’ arguments, the Court ADOPTS the Magistrate’s Report and Recommendation (Doc. 30). Accordingly, the Court ORDERS that the Magistrate’s Report and Recommendation be attached to and made a part of this Order, and GRANTS IN PART and DENIES IN PART the Defendant’s Motion to Suppress (Doc. 21). Defendant’s Motion to Suppress is granted insofar as it requests the suppression of Defendant’s statements regarding his purchase of the gun and burglary conviction. Defendant’s Motion to Suppress is denied insofar as it requests the suppression of

¹ As explained in the Report and Recommendation, Defendant “is no longer seeking to suppress evidence or the statement [D]efendant made after he received Miranda warnings. Defendant is now just seeking the suppression of statements that were made at the scene of the arrest.” See Transcript, p. 3 (defense counsel stating that “we are just contesting the statements that were made at the scene of the arrest”). Therefore, Defendant’s request to suppress evidence and the statement he made after he received Miranda warnings is denied as moot.

Defendant's statements regarding blunts in the car and statements regarding the presence and location of the gun in the car.

IT IS SO ORDERED.

Date: September 11, 2014

/s/ Dean Whipple
Dean Whipple
United States District Judge